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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

|                                     |   |                        |
|-------------------------------------|---|------------------------|
| _____                               | : | No. 07 Civ. 8814 (LLS) |
| SECURITIES AND EXCHANGE COMMISSION, | : |                        |
|                                     | : |                        |
| Plaintiff,                          | : |                        |
|                                     | : |                        |
| - against -                         | : |                        |
|                                     | : | EXPLANATION FOR        |
| JOSHUA S. SHAINBERG and             | : | LATE FILING            |
| LARYSSA SHAINBERG,                  | : |                        |
|                                     | : |                        |
| Defendants.                         | : |                        |
| _____                               | : |                        |

Please be advised that Defendant Laryssa Shainberg's Answer, Memorandum in Opposition to Order to Show Cause and Supporting Affidavits were not timely filed on November 16, 2007 because of "upgrading" done to the Southern District of New York's ECF system, rendering it out of service from approximately Friday evening, November 16, 2007 to approximately Monday afternoon, November 19, 2007. As such, said documents were filed today, November 19, 2007, as the ECF system is now available.

Dated: November 19, 2007

/s/Roger L. Fidler,  
Roger L. Fidler, Esq.